

SO. CAL. EQUAL ACCESS GROUP  
Jason J. Kim (SBN 190246)  
Jason Yoon (SBN 306137)  
Kevin Hong (SBN 299040)  
101 S. Western Ave., Second Floor  
Los Angeles, CA 90004  
Telephone: (213) 252-8008  
Facsimile: (213) 252-8009  
cm@SoCalEAG.com

Attorneys for Plaintiff  
MICHAEL RHAMBO

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MICHAEL RHAMBO,  
Plaintiff,

vs.

CATESGARB HOLDINGS; and DOES 1  
to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff MICHAEL RHAMBO ("Plaintiff") complains of Defendants  
CATESGARB HOLDINGS; and DOES 1 to 10 ("Defendants") and alleges as follows:

**PARTIES**

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
from paraplegia due to T12 vertebrae thoracic spinal cord injury and is substantially

1 limited in his ability to walk. Plaintiff requires the use of a wheelchair at all times when  
2 traveling in public.

3 2. Defendants are, or were at the time of the incident, the real property owners,  
4 business operators, lessors and/or lessees of the real property for a window supplier  
5 (“Business”) located at or about 254 S. 5th Ave., La Puente, California.

6 3. The true names and capacities, whether individual, corporate, associate or  
7 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
8 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
9 Court to amend this Complaint when the true names and capacities have been  
10 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
11 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
12 Plaintiff for the acts herein alleged.

13 4. Plaintiff is informed and believes, and thereon alleges that, at all relevant  
14 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
15 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
16 the things alleged herein was acting with the knowledge and consent of the other  
17 Defendants and within the course and scope of such agency or employment relationship.

18 5. Whenever and wherever reference is made in this Complaint to any act or  
19 failure to act by a defendant or Defendants, such allegations and references shall also be  
20 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
21 and severally.

## 22 **JURISDICTION AND VENUE**

23 6. The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
24 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
25 *seq.*).

26 7. Pursuant to pendant jurisdiction, attendant and related causes of action,  
27 arising from the same nucleus of operating facts, are also brought under California law,  
28

1 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
2 54, 54., 54.3 and 55.

3 8. Plaintiff's claims are authorized by 28 USC §§ 2201 and 2202.

4 9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
5 property which is the subject of this action is located in this district, Los Angeles County,  
6 California, and that all actions complained of herein take place in this district.

7 **FACTUAL ALLEGATIONS**

8 10. In or about February of 2024, Plaintiff went to the Business.

9 11. The Business is a window supplier business establishment, open to the  
10 public, and is a place of public accommodation that affects commerce through its  
11 operation. Defendants provide parking spaces for customers.

12 12. While attempting to enter the Business during each visit, Plaintiff personally  
13 encountered a number of barriers that interfered with his ability to use and enjoy the  
14 goods, services, privileges, and accommodations offered at the Business.

15 13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
16 included, but were not limited to, the following:

- 17 a. Defendants failed to comply with the federal and state standards for  
18 the parking space designated for persons with disabilities. Defendants  
19 failed to post required signage such as "Van Accessible."  
20 b. Defendants failed to maintain the parking space designated for  
21 persons with disabilities to comply with the federal and state  
22 standards. Defendants failed to maintain the mark on the space with  
23 the International Symbol of Accessibility, resulting in the paint  
24 becoming severely deteriorated, hindering visibility.  
25 c. Defendants failed to maintain the parking space designated for  
26 persons with disabilities to comply with the federal and state  
27 standards. Defendants failed to maintain the blue borderlines, blue  
28 hatched lines, and "NO PARKING" markings painted on the ground

1 as required, resulting in the markings becoming severely deteriorated,  
2 hindering visibility.

3 d. Defendants failed to comply with the federal and state standards for  
4 the parking space designated for persons with disabilities. Defendants  
5 failed to provide an access aisle with level surface slope, as there was  
6 a permanent ramp installed on the accessible aisle.

7 e. Defendants failed to comply with the federal and state standards for  
8 the parking space designated for persons with disabilities. The height  
9 of the posted required signages was lower than the height allowed by  
10 the standards.

11 14. These barriers and conditions denied Plaintiff full and equal access to the  
12 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
13 patronize the Business; however, Plaintiff is deterred from visiting the Business because  
14 his knowledge of these violations prevents him from returning until the barriers are  
15 removed.

16 15. Based on the violations, Plaintiff alleges, on information and belief, that  
17 there are additional barriers to accessibility at the Business after further site inspection.  
18 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*  
19 *Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).

20 16. In addition, Plaintiff alleges, on information and belief, that Defendants  
21 knew that particular barriers render the Business inaccessible, violate state and federal  
22 law, and interfere with access for the physically disabled.

23 17. At all relevant times, Defendants had and still have control and dominion  
24 over the conditions at this location and had and still have the financial resources to  
25 remove these barriers without much difficulty or expenses to make the Business  
26 accessible to the physically disabled in compliance with ADDAG and Title 24  
27 regulations. Defendants have not removed such barriers and have not modified the  
28 Business to conform to accessibility regulations.

**FIRST CAUSE OF ACTION**

**VIOLATION OF THE AMERICANS WITH DISABILITIES ACT OF 1990**

18. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

19. Under the Americans with Disabilities Act of 1990 (“ADA”), no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases, or leases to, or operates a place of public accommodation. *See* 42 U.S.C. § 12182(a).

20. Discrimination, *inter alia*, includes:

- a. A failure to make reasonable modification in policies, practices, or procedures, when such modifications are necessary to afford such goods, services, facilities, privileges, advantages, or accommodations to individuals with disabilities, unless the entity can demonstrate that making such modifications would fundamentally alter the nature of such goods, services, facilities, privileges, advantages, or accommodations. 42 U.S.C. § 12182(b)(2)(A)(ii).
- b. A failure to take such steps as may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden. 42 U.S.C. § 12182(b)(2)(A)(iii).
- c. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an

establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

- d. A failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs or to ensure that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path or travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope. 42 U.S.C. § 12183(a)(2).

21. Where parking spaces are provided, accessible parking spaces shall be provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall be a van accessible parking space. 2010 ADA Standards § 208.2.4.

22. Under the ADA, the method and color of marking are to be addressed by State or local laws or regulations. See 36 C.F.R., Part 1191. Under the California Building Code (“CBC”), the parking space identification signs shall include the International Symbol of Accessibility. Parking identification signs shall be reflectorized with a minimum area of 70 square inches. Additional language or an additional sign below the International Symbol of Accessibility shall state “Minimum Fine \$250.” A parking space identification sign shall be permanently posted immediately adjacent and

1 visible from each parking space, shall be located with its centerline a maximum of 12  
2 inches from the centerline of the parking space and may be posted on a wall at the  
3 interior end of the parking space. See CBC § 11B-502.6, et seq.

4 23. Moreover, an additional sign shall be posted either in a conspicuous place at  
5 each entrance to an off-street parking facility or immediately adjacent to on-site  
6 accessible parking and visible from each parking space. The additional sign shall not be  
7 less than 17 inches wide by 22 inches high. The additional sign shall clearly state in  
8 letters with a minimum height of 1 inch the following: "Unauthorized vehicles parked in  
9 designated accessible spaces not displaying distinguishing placards or special license  
10 plates issued for persons with disabilities will be towed away at the owner's expense..."  
11 See CBC § 11B-502.8, et seq.

12 24. Here, Defendants failed to provide the signs stating, "Van Accessible."

13 25. For the parking spaces, access aisles shall be marked with a blue painted  
14 borderline around their perimeter. The area within the blue borderlines shall be marked  
15 with hatched lines a maximum of 36 inches (914 mm) on center in a color contrasting  
16 with that of the aisle surface, preferably blue or white. The words "NO PARKING" shall  
17 be painted on the surface within each access aisle in white letters a minimum of 12 inches  
18 (305 mm) in height and located to be visible from the adjacent vehicular way. CBC §  
19 11B-502.3.3.

20 26. Here, Defendants failed to provide a proper access aisle as the "NO  
21 PARKING" markings, blue borderlines, and blue hatched lines painted on the parking  
22 surface were poorly maintained, resulting in the markings becoming severely  
23 deteriorated, hindering visibility.

24 27. The surface of each accessible car and van space shall have surface  
25 identification complying with either of the following options: The outline of a profile  
26 view of a wheelchair with occupant in white on a blue background a minimum 36" wide  
27 by 36" high (914 mm x 914 mm). The centerline of the profile view shall be a maximum  
28 of 6 inches (152 mm) from the centerline of the parking space, its sides parallel to the



1 length of the parking space and its lower side or corner aligned with the end of the  
2 parking space length or by outlining or painting the parking space in blue and outlining  
3 on the ground in white or a suitable contrasting color a profile view of a wheel chair with  
4 occupant. See CBC § 11B-502.6.4, et seq.

5 28. Here, Defendants failed to maintain the International Symbol of  
6 Accessibility painted on the surface as required, resulting in the markings becoming  
7 severely deteriorated, hindering visibility.

8 29. Under the 1991 Standards, parking spaces and access aisles must be level  
9 with surface slopes not exceeding 1:50 (2%) in all directions. 1991 Standards § 4.6.2.  
10 Accessible parking spaces shall be at least 96 in (2440 mm) wide. Parking access aisles  
11 shall be part of an accessible route to the building or facility entrance and shall comply  
12 with 4.3. Two accessible parking spaces may share a common access aisle. Parked  
13 vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces  
14 and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all  
15 directions. 1991 Standards § 4.6.3.

16 30. Here, the access aisle is not level with the parking spaces, as there was a  
17 permanent ramp installed on the accessible aisle. Under the 2010 Standards, access aisles  
18 shall be at the same level as the parking spaces they serve. Changes in level are not  
19 permitted. 2010 Standards § 502.4. "Access aisles are required to be nearly level in all  
20 directions to provide a surface for transfer to and from vehicles." 2010 Standards § 502.4  
21 Advisory. Id. No more than a 1:48 slope is permitted.

22 31. Signs shall be 60 inches (1525 mm) minimum above the finish floor or  
23 ground surface measured to the bottom of the sign. 2010 ADA Standards § 502.6.

24 32. Here, Defendants failed to post signage at the required minimum height of  
25 60 inches above the finish floor or ground surface measured to the bottom of the sign.

26 33. A public accommodation shall maintain in operable working condition those  
27 features of facilities and equipment that are required to be readily accessible to and usable  
28 by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).





1           40. The actions and omissions of Defendants alleged herein constitute a denial  
 2 of full and equal accommodation, advantages, facilities, privileges, or services by  
 3 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
 4 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
 5 51 and 52.

6           41. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
 7 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
 8 damages as specified in California Civil Code §55.56(a)-(c).

### 9                                   **THIRD CAUSE OF ACTION**

#### 10                           **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

11           42. Plaintiff incorporates by reference each of the allegations in all prior  
 12 paragraphs in this complaint.

13           43. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
 14 entitled to full and equal access, as other members of the general public, to  
 15 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
 16 and physicians’ offices, and privileges of all common carriers, airplanes, motor vehicles,  
 17 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
 18 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
 19 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
 20 places of public accommodations, amusement, or resort, and other places in which the  
 21 general public is invited, subject only to the conditions and limitations established by  
 22 law, or state or federal regulation, and applicable alike to all persons.

23           44. California Civil Code § 54.3(a) states, “Any person or persons, firm or  
 24 corporation who denies or interferes with admittance to or enjoyment of public facilities  
 25 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
 26 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
 27 the actual damages, and any amount as may be determined by a jury, or a court sitting  
 28 without a jury, up to a maximum of three times the amount of actual damages but in no

1 case less than one thousand dollars (\$1,000) and any attorney's fees that may be  
 2 determined by the court in addition thereto, suffered by any person denied the rights  
 3 provided in Section 54, 54.1, and 54.2.

4 45. California Civil Code § 54(d) specifies, "a violation of the right of an  
 5 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
 6 constitute a violation of this section, and nothing in this section shall be construed to limit  
 7 the access of any person in violation of that act.

8 46. The actions and omissions of Defendants alleged herein constitute a denial  
 9 of full and equal accommodation, advantages, and facilities by physically disabled  
 10 persons within the meaning of California Civil Code § 54. Defendants have  
 11 discriminated against Plaintiff in violation of California Civil Code § 54.

12 47. The violations of the California Disabled Persons Act caused Plaintiff to  
 13 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
 14 statutory damages as specified in California Civil Code §55.56(a)-(c).

#### 15 **FOURTH CAUSE OF ACTION**

##### 16 **CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

17 48. Plaintiff incorporates by reference each of the allegations in all prior  
 18 paragraphs in this complaint.

19 49. Plaintiff and other similar physically disabled persons who require the use of  
 20 a wheelchair are unable to use public facilities on a "full and equal" basis unless each  
 21 such facility is in compliance with the provisions of California Health & Safety Code §  
 22 19955 et seq. Plaintiff is a member of the public whose rights are protected by the  
 23 provisions of California Health & Safety Code § 19955 et seq.

24 50. The purpose of California Health & Safety Code § 1995 et seq. is to ensure  
 25 that public accommodations or facilities constructed in this state with private funds  
 26 adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of  
 27 Title 1 of the Government Code. The code relating to such public accommodations also  
 28 require that "when sanitary facilities are made available for the public, clients, or

1 employees in these stations, centers, or buildings, they shall be made available for  
2 persons with disabilities.

3 51. Title II of the ADA holds as a “general rule” that no individual shall be  
4 discriminated against on the basis of disability in the full and equal enjoyment of goods  
5 (or use), services, facilities, privileges, and accommodations offered by any person who  
6 owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a).  
7 Further, each and every violation of the ADA also constitutes a separate and distinct  
8 violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an  
9 award of damages and injunctive relief pursuant to California law, including but not  
10 limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

11 **FIFTH CAUSE OF ACTION**

12 **NEGLIGENCE**

13 52. Plaintiff incorporates by reference each of the allegations in all prior  
14 paragraphs in this complaint.

15 53. Defendants have a general duty and a duty under the ADA, Unruh Civil  
16 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
17 to the Plaintiff.

18 54. Defendants breached their duty of care by violating the provisions of ADA,  
19 Unruh Civil Rights Act and California Disabled Persons Act.

20 55. As a direct and proximate result of Defendants’ negligent conduct, Plaintiff  
21 has suffered damages.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
24 Defendants as follows:

25 1. For preliminary and permanent injunction directing Defendants to comply  
26 with the Americans with Disability Act and the Unruh Civil Rights Act;

27 2. Award of all appropriate damages, including but not limited to statutory  
28 damages, general damages and treble damages in amounts, according to proof;

1           3.     Award of all reasonable restitution for Defendants' unfair competition  
2 practices;

3           4.     Reasonable attorney's fees, litigation expenses, and costs of suit in this  
4 action;

5           5.     Prejudgment interest pursuant to California Civil Code § 3291; and

6           6.     Such other and further relief as the Court deems just and proper.

7                           **DEMAND FOR TRIAL BY JURY**

8           Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
9 demands a trial by jury on all issues so triable.

10  
11 Dated: May 20, 2024

SO. CAL. EQUAL ACCESS GROUP

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14 By: /s/ Jason J. Kim  
15 Jason J. Kim, Esq.  
16 Attorneys for Plaintiff  
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